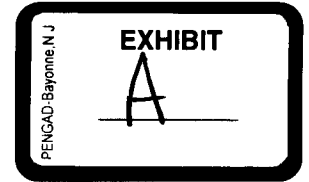


**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**



**Lorenzo Rainer, 121380  
PLAINTIFF**

**CIVIL ACTION: 2:05 CV916-T**

**VS  
Captain Bobby Barrett, et.al.  
DEFENDANT**

**A F F I D A V I T**

**Before me, the undersigned authority, a Notary Public in and for said county and State of Alabama at large, personally appeared Captain Bobby Barrett who being know to me and being by me first duly sworn, deposes and says on oath as follows:**

**My name is Bobby Barrett, and I am presently employed as Correctional Officer Supervisor II with the Alabama Department of Corrections, Kilby Correctional Facility, Mt. Meigs, Alabama. I am over nineteen (19) years of age.**

**On 6-3-05 an incident occurred in the Kilby Dining Hall between CO I J. Dumas and Inmate Lorenzo Rainer, 121380, that escalated into the main hallway of Kilby**

**Upon completing segregation rounds I could hear an inmate screaming obscenities and could also hearing officers giving verbal orders. As I was still in the segregation unit I could tell something was happening. I could not see where this was occurring. I thought it was coming from West dorm directly across from the segregation unit. I immediately exited the segregation unit and as I was coming out I could see this incident was on the main hallway near gate #3. I approached the incident and saw CO Doris Vickers, CO Otis Barnes and CO Willie Jackson attempting to restrain an inmate. This inmate was sitting on the floor swinging his arms, kicking his legs and screaming at the officers**

**The officers were giving him verbal orders to stop. The inmate did not stop. I saw CO J. Dumas strike the inmate two times with a baton to his leg area. The inmate was then placed face down on the floor and handcuffs were applied. I knew at that time the inmate in question was Lorenzo Rainer. Inmate Rainer was then placed into his wheelchair and escorted to the healthcare unit for a body chart. I did not go to the healthcare unit as I was interviewing staff members as to what happened. Shortly after Rainer arrived to the**

healthcare unit a body chart examination was attempted. Rainer was very uncooperative (see body chart). The body chart could not be completed. Rainer was escorted to the segregation unit. I talked to Inmate Rainer near the inside gate of the Segregation Unit. Inmate Rainer was still visibly and verbally upset, slamming his fist down on the arm of his wheelchair and cursing. I advised him he had to calm down where I could talk to him.

After Inmate Rainer calmed down some, he told me officer Dumas hit him for no reason. Rainer then began getting upset again and cursing.

Approximately 15 minutes later, Lt. Leon Bolling advised me to talk to Radio Operator Jerrell Hogwood in Central Control. Mr. Hogwood witnessed the incident. I then went to Central Control and spoke with Mr. Hogwood. Mr. Hogwood advised me he saw Inmate Rainer swing and try and hit CO Dumas while in the dining hall. Mr. Hogwood said that was when he called the "Code" to get CO Dumas some help.

Inmate Rainer alleges that I conspired to cover up excessive force used by the officers during his disciplinary hearing for Rule violation #57: Insubordination and #29: Assault on a person associated with the Alabama Department of Corrections. When I approached the incident in the hallway I did not see any excessive force being used against Inmate Rainer. As the reviewing officer for the disciplinaries at Kilby I did not see any testimony at the hearing that indicated any excessive force was used. I have never in the past and would never entertain the idea of covering up any abuse of power or authority of any correctional officer at this facility against any inmate.

I have not violated Inmate Rainer's constitutional rights in any manner.



Bobby Barrett, COS II  
Kilby Correctional Facility

State of Alabama  
Montgomery County

Sworn to and subscribed before me and under my hand and official seal this the 5th day of October, 2005.



Betty S. Carr, Notary Public  
My comm. expires 1-17-06